

45. The array of claim 43, wherein one or both of said first and second synthesis products include single chemical structures.

46. The array of claim 43, wherein both of said first and second synthesis products include single chemical structures.--

Remarks

Claims 1-36 are pending in the application, and claims 8-36 have been withdrawn from further consideration by the examiner, 37 CFR §1.142(b), as being drawn to non-elected inventions. Claims 1-7 stand rejected. Claims 1 and 7 are amended as above. New claims 37-46 are added. No new matter is added to the specification by these changes. Errors in the Sequence Listing have been corrected in the enclosed computer readable form and paper copy of the Sequence Listing. Formal drawings will be submitted once the Application has been allowed as requested by the Examiner. Applicant respectfully requests reexamination and reconsideration of the case, as amended. Each of the rejections levied in the Office Action is addressed individually below.

I. Rejection under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 1 and 7 stand rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 has been amended to obviate the rejection by removing the adjective “pre-determined”. Applicant submits that the amended claim is definite without the word pre-determined.

Claim 7 was found by the Examiner to be indefinite due to lack of clarity of the term “one-dimensional” in the context of the instant invention. The term one-dimensional refers to the linear arrangement of compounds on the support, and claim 7 has been amended to more clearly point out this limitation. The support does not have to be longer in one dimension than the other to be one-dimensional with respect to the present invention. For example, a circular-

shaped support could be used, and the linear organization might follow a spiral from the center of the support to the outer edge of the support, like the groove of a record. All that is required is a linear or one-dimensional organization to the array (*i.e.*, the identity of the compound or the synthetic history of the compound is determinable using only the distance along a path measured from a starting point to the point of attachment of the chemical compound of interest). Only one distance is needed in contrast to more conventional two-dimensional arrays where both an x- and y-coordinate are needed. Support for this definition of "one-dimensional" can be found on page 7, lines 14-19 and lines 26-27, of the Specification. Applicant requests that the rejection be removed in view of the forgoing argument and remarks.

II. Rejection under 35 U.S.C. §102(b), as being anticipated by U.S. Patent 5,510,270.

Claims 1, 2, 5, and 6 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent 5,510,270 by Fodor *et al.* Examiner states that '270 teaches a method for synthesizing oligomers on a solid support in predefined regions, thus forming "an array of chemical compounds". The Applicant disagrees that the claimed arrays of the present Application are anticipated by U.S. Patent 5,510,270.

The arrays as claimed are different from the arrays of Fodor *et al.* Amended claim 1 recites the limitation, "wherein the array has a linear organization." The arrays taught by Fodor *et al.* are only two-dimensional arrays and do not possess a linear organization. Fodor *et al.* do not teach arrays governed by a linear organization. Since Fodor *et al.* do not teach the claimed one-dimensional arrays, the Applicant requests that the rejection be removed.

III. Rejection under 35 U.S.C. §102(b), as being anticipated by EP 0 385 443. Claims 1-7

stand rejected under §102(b) as being anticipated by EPO Patent 0 385 443 by Lebl *et al.*

Examiner states the Lebl *et al.* teach "a method for synthesizing oligomers on a solid support that is in the form of a band, thus forming 'an array of chemical compounds' ". Applicant, however, disagrees that Lebl *et al.* teach a method of forming an array of at least two different chemical compounds. Lebl *et al.* only teach a continuous method of synthesizing one particular compound (*e.g.*, polypeptide, polynucleotide) on a band; not an array or library of different compounds. A single product is produced by subjecting the entire length of the carrier to all the reactions and

processing steps of the process sequence. Therefore, EP 0 385 443 does not teach the claimed invention of the present Application (*i.e.*, a method of synthesizing an array of at least two chemical compounds linearly arranged on a support), and the Applicant respectfully submits that the rejection be removed.

IV. New claims. Support for claim 37 “wherein the compounds are arranged linearly on the support” can be found on page 4, lines 21-23, and on page 9, lines 26-29, of the Specification.

Support for claim 38 wherein at least one compound is duplicated can be found on page 8, lines 16-17, of the Specification.

Support for claims 39-40 involving multiple occurrences of a compound being separated by a constant interval can be found on page 15, line 14, through page 16, line 7, of the Specification.

Support for claim 42 wherein each compound is represented once can be found on page 4, lines 21-23, of the Specification.

Support for claims 43-46 involving a plurality of chemical compounds at a portion of the support can be found on page 16, lines 14-18, of the Specification.

Applicant submits that no new matter has been added to the Application by the addition of claim 37-46 and that the new claims are patentable over the cited prior art.

In view of the forgoing arguments, Applicant respectfully submits that the present case is now in condition for allowance. A Notice to that effect is requested.

Please charge any fees that may be required for the processing of this Response, or credit any overpayments, to our Deposit Account No. 03-1721.

Respectfully submitted,

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